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Dated: June 29, 2007

Signature: 

(Mary Jane DiPalma)

Docket No.: CDSI-P01-041  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ashton et al.

Application No.: 10/762,439

Confirmation No.: 5180

Filed: January 22, 2004

Art Unit: 1609

For: SUSTAINED RELEASE DEVICE AND  
METHOD FOR OCULAR DELIVERY OF  
ANDRENERGIC AGENTS

Examiner: Sasan, Aradhana

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

07/03/2007 SLUANG1 00000008 181945 10762439

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In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Deposit Account No. 18-1945 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. CDSI-P01-041.

Dated: June 29, 2007

Respectfully submitted,



David P. Halstead, J.D., Ph.D.

Registration No.: 44,735

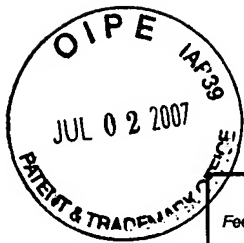
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Attorneys/Agents For Applicant



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|  |  |                          |                  |
|--|--|--------------------------|------------------|
| <b>FEE TRANSMITTAL</b><br><b>For FY 2007</b>                                   |  | <b>Complete if Known</b> |                  |
|  |  | Application Number       | 10/762,439       |
|  |  | Filing Date              | January 22, 2004 |
|  |  | First Named Inventor     | Paul Ashton      |
|  |  | Examiner Name            | Sasan, Aradhana  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |  | Art Unit                 | 1609             |
| <b>TOTAL AMOUNT OF PAYMENT</b>   |  | <b>(\$)</b>              | <b>180.00</b>    |
|  |  | Attorney Docket No.      | CDSI-P01-041     |

|  |   |
|--|---|
| <b>METHOD OF PAYMENT</b> (check all that apply)  |   |
| <input type="checkbox"/> Check   | <input type="checkbox"/> Credit Card  |
| <input type="checkbox"/> Money Order   | <input type="checkbox"/> None   |
| <input type="checkbox"/> Other (please identify): _____  |   |
| <input checked="" type="checkbox"/> Deposit Account  | Deposit Account Number: <b>18-1945</b> Deposit Account Name: <b>Fish &amp; Neave IP Group, Ropes &amp; Gray LLP</b> |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)                 |   |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below  | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee                                   |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments   |

|   |                    |                              |   |                              |                                  |                              |                              |
|---|--------------------|------------------------------|---|------------------------------|----------------------------------|------------------------------|------------------------------|
| <b>FEE CALCULATION</b>  |                    |                              |   |                              |                                  |                              |                              |
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>  |                    |                              |   |                              |                                  |                              |                              |
| <b>Application Type</b>   | <b>FILING FEES</b> |                              | <b>SEARCH FEES</b>                                      |                              | <b>EXAMINATION FEES</b>          |                              | <b>Fees Paid (\$)</b>        |
|   | <b>Fee (\$)</b>    | <b>Small Entity Fee (\$)</b> | <b>Fee (\$)</b>   | <b>Small Entity Fee (\$)</b> | <b>Fee (\$)</b>                  | <b>Small Entity Fee (\$)</b> |                              |
| Utility   | 300                | 150                          | 500   | 250                          | 200                              | 100                          |                              |
| Design  | 200                | 100                          | 100   | 50                           | 130                              | 65                           |                              |
| Plant   | 200                | 100                          | 300   | 150                          | 160                              | 80                           |                              |
| Reissue   | 300                | 150                          | 500   | 250                          | 600                              | 300                          |                              |
| Provisional   | 200                | 100                          | 0   | 0                            | 0                                | 0                            |                              |
| <b>2. EXCESS CLAIM FEES</b>   |                    |                              |   |                              |                                  |                              |                              |
| <b>Fee Description</b>  |                    |                              |   |                              |                                  | <b>Fee (\$)</b>              | <b>Small Entity Fee (\$)</b> |
| Each claim over 20 (including Reissues)   |                    |                              |   |                              |                                  | 50                           | 25                           |
| Each independent claim over 3 (including Reissues)  |                    |                              |   |                              |                                  | 200                          | 100                          |
| Multiple dependent claims   |                    |                              |   |                              |                                  | 360                          | 180                          |
| <b>Total Claims</b>   |                    | <b>Extra Claims</b>          | <b>Fee (\$)</b>   | <b>Fee Paid (\$)</b>         | <b>Multiple Dependent Claims</b> |                              |                              |
| - =   |                    | x                            | =   |                              | <b>Fee (\$)</b>                  | <b>Fee Paid (\$)</b>         |                              |
| HP = highest number of total claims paid for, if greater than 20.   |                    |                              |   |                              |                                  |                              |                              |
| <b>Indep. Claims</b>  |                    | <b>Extra Claims</b>          | <b>Fee (\$)</b>   | <b>Fee Paid (\$)</b>         |                                  |                              |                              |
| - =   |                    | x                            | =   |                              |                                  |                              |                              |
| HP = highest number of independent claims paid for, if greater than 3.  |                    |                              |   |                              |                                  |                              |                              |
| <b>3. APPLICATION SIZE FEE</b>  |                    |                              |   |                              |                                  |                              |                              |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |                    |                              |   |                              |                                  |                              |                              |
| <b>Total Sheets</b>   |                    | <b>Extra Sheets</b>          | <b>Number of each additional 50 or fraction thereof</b> |                              | <b>Fee (\$)</b>                  | <b>Fee Paid (\$)</b>         |                              |
| - 100 =   |                    | /50 =                        | (round up to a whole number) x                          |                              | =                                |                              |                              |
| <b>4. OTHER FEE(S)</b>  |                    |                              |   |                              |                                  |                              |                              |
| Non-English Specification, \$130 fee (no small entity discount)   |                    |                              |   |                              |                                  | <b>Fees Paid (\$)</b>        |                              |
| Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement   |                    |                              |   |                              |                                  | 180.00                       |                              |

|                     |                                |                                   |                |
|---------------------|--------------------------------|-----------------------------------|----------------|
| <b>SUBMITTED BY</b> |                                |                                   |                |
| Signature           |                                | Registration No. (Attorney/Agent) | 44,735         |
| Name (Print/Type)   | David P. Halstead, J.D., Ph.D. | Telephone                         | (617) 951-7615 |
|                     |                                | Date                              | June 29, 2007  |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 29, 2007

Signature: (Mary Jane DiPalma)



Used in Lieu of PTO/SB/08A/B  
(Based on PTO 04-07 version)

|   |   |    |   |                          |                  |
|---|---|----|---|--------------------------|------------------|
| Substitute for form 1449/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(Use as many sheets as necessary) |   |    |   | <b>Complete If Known</b> |                  |
|   |   |    |   | Application Number       | 10/762,439       |
|   |   |    |   | Filing Date              | January 22, 2004 |
|   |   |    |   | First Named Inventor     | Paul Ashton      |
|   |   |    |   | Art Unit                 | 1609             |
|   |   |    |   | Examiner Name            | Sasan, Aradhana  |
| Sheet   | 1 | of | 1 | Attorney Docket Number   | CDSI-P01-041     |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       | AE                    | US-20040009222-A1   | 01-15-2004                     | Chou et al.  |   |
|                       | AF                    | US-20040176341-A1   | 09-09-2004                     | Chou et al.  |   |
|                       | AG                    | US-20050025834-A1   | 02-03-2005                     | Guo et al.   |   |
|                       | AH                    | US-20050048123-A1   | 03-03-2005                     | Su et al.  |   |
|                       | AI                    | US-3,630,200  | 12/28/71                       | Higuchi  |   |
|                       | AJ                    | US-4,014,355  | 03-29-1977                     | DiMatteo et al.                                    |   |
|                       | AK                    | US-4,260,736  | 04-07-1981                     | Asano et al.                                       |   |
|                       | AL                    | US-4,283,394  | 08-11-1981                     | West et al.  |   |
|                       | AM                    | US-5,773,019  | 06-30-1998                     | Ashton et al.                                      |   |
|                       | AN                    | US-6,039,975  | 03-21-2000                     | Shah et al.  |   |
|                       | AO                    | US-6,051,576  | 04-18-2000                     | Ashton et al.                                      |   |

| FOREIGN PATENT DOCUMENTS |                       |  |                                |  |  |
|--------------------------|-----------------------|--|--------------------------------|--|--|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages Or Relevant Figures Appear |
|                          | BA                    | WO-97/11655  | 04-03-1997                     | Control Delivery Systems, Inc.                     |  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | CA                    | Barre-Sinoussi et al., "Isolation of a T-Lymphotropic Retrovirus from a Patient at Risk for Acquired Immune Deficiency Syndrome (AIDS)," Science 220:868-871 (1983)   |                |
|                                 | CB                    | Dalgleish et al., "The CD4 (T4) Antigen is an Essential Component of the Receptor for the AIDS Retrovirus," Nature 312:763-767 (1984)   |                |
|                                 | CC                    | Gallo et al., "Frequent Detection and Isolation of Cytopathic Retroviruses (HTLV-III) from Patients with AIDS and at Risk for AIDS," Science 224:500-503 (1984)   |                |
|                                 | CD                    | Klatzmann et al., "T-Lymphocyte T4 Molecule Behaves as the Receptor for Human Retrovirus LAV," Nature 312:767-  |                |
|                                 | CE                    | Maddon et al., "The T4 Gene Encodes the AIDS Virus Receptor and is Expressed in the Immune System and the Brain," Cell 47:333-348 (1986)  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|